

**Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed June 8, 2006.

**I. Summary of Examiner's Rejections**

Prior to the Office Action mailed June 8, 2006, Claims 1-30 were pending in the Application. In the Office Action, Claims 1-11, 14-18 and 21-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al. (U.S. Patent No. 6,594,277, hereinafter Chiang) in view of Jin et al. (U.S. Publication No. 2005/0111360, hereinafter Jin). Claims 12, 13, 19, 20 and 25-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang in view of Jin in further view of Baum et al. (U.S. Patent No. 6,850,495).

**II. Summary of Applicant's Response**

The present Response traverses the rejections leaving for the Examiner's present consideration Claims 1-30. Reconsideration of the Application is respectfully requested. Applicant respectfully reserves the right to prosecute any originally presented or canceled claims in a continuing or future application.

**III. Claim Rejections under 35 U.S.C. §103(a)**

In the Office Action, Claims 1-11, 14-18 and 21-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al. (U.S. Patent No. 6,594,277, hereinafter Chiang) in view of Jin et al. (U.S. Publication No. 2005/0111360, hereinafter Jin).

**Claim 1**

Claim 1 defines:

1. *A system for providing two qualities of service from a single data stream, comprising:  
(a) a storage space for storing at least one of a first quality of service choice and a second quality of service choice for each of a plurality of users;  
(b) a processor programmed to direct the data stream for each user*

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*according to that user's quality of service choice;*

*(c) multicasting apparatus for receiving the data stream from the processor and multicasting the data stream to each user for which the first quality of service choice is stored in said storage space; and*

*(d) a point-to-point device for receiving the data stream from the processor and ensuring that each user for which the second quality of service is stored in said storage space receives the data stream.*

Claim 1 thus defines a multi-casting apparatus for receiving the data stream from the processor and multi-casting the data stream to the user with the first QOS choice. Furthermore, Claim 1 also defines a point-to-point device for receiving the data stream and ensuring that each user with the second QOS choice receives the data stream. A processor is programmed to direct the data stream to the two devices according to the user's QOS choices.

Some advantages of the features in Claim 1 include the ability of the system to separate message traffic for two devices (or apparatuses), one for multi-cast traffic and one for point-to-point traffic depending on the choice of the user. For example, it can be advantageous for some applications to receive multi-cast traffic due to time latency, speed and various other reasons (par. [0029]-[0032]). Other applications, on the other hand, may need to ensure receipt of such traffic. The features defined in Claim 1 allow for separation of the data stream according to each user's choice of QOS.

Chiang teaches dynamic-rate differential class based quality of service agent for internet protocol exchange systems. More particularly, Chiang appears to disclose a QOS agent that determines whether a user entry is stored in a database and then retrieves system parameters for the user from the database (Chiang, col. 5, lines 26-40). This information can then be used to reduce the call set up time.

Jin, on the other hand, teaches the use of precedence bits for quality of service. In particular, Jin appears to teach a user's service profile that contains information relating to a particular user's network access account. This information may include an identification of QOS level to be provided to that user. (Jin, par. [0021]).

However, Applicant respectfully submits that Chiang in combination with Jin fail to disclose the features of Claim 1. For example, both references fail to disclose a multi-cast apparatus that multi-casts the data stream to each user for which the first QOS choice is stored and a point-to-

point device that ensures the user with the second QOS choice receives the data stream, as defined in Claim 1. Neither reference appears to be concerned with directing the data stream in such a manner. Instead, Chiang in combination with Jin merely appear to disclose using profiles stored in a database to afford a user a certain QOS level. This is not the same as taking a data stream and directing it to multi-cast for some users and to point-to-point ensure receipt for other users, according to each user's choice, as defined in Claim 1.

Therefore, even if the user profile disclosed in Chiang or Jin could be considered a quality of service choice, as proposed in the Office Action, both references would still fail to disclose a multi-cast apparatus that receives the data stream from the processor and multi-casts it to users with the first QOS choice. Similarly, both references would also fail to disclose a point-to-point apparatus that receives the data stream from the processor and ensures that the users with the second QOS choice receives the data stream.

In light of the above comments, Applicant respectfully submits that Claim 1 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **Claims 8, 15 and 21-24.**

Claims 8, 15 and 21-24 contain at least some features similar to Claim 1 as discussed above. Applicant respectfully submits that Claims 8, 15 and 21-24 are likewise neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **Claims 2-7, 9-14, 16-20 and 25-30**

Claims 2-7, 9-14, 16-20 and 25-30 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above. Applicant respectfully submits that Claims 2-7, 9-14, 16-20 and 25-30 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them

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patentable in their own right. Applicant respectfully reserves the right to argue these limitations should it become necessary in the future.

#### IV. Conclusion


In view of the above remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: \_\_\_\_\_

  
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